

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF EDUCATION  
P.O. BOX 2120  
RICHMOND, VIRGINIA 23218-2120

TESTING MEMO NO.601

December 29, 2006

TO: Division Directors of Testing

FROM: Shelley Loving-Ryder, Assistant Superintendent  
Division of Assessment and Reporting

SUBJECT: LEP Students and SOL Testing

Recently, the Division of Assessment & Reporting has received inquiries concerning testing policies for LEP (LEP) students. Specific questions include:

- 1) What is the exemption policy for LEP students from Standards of Learning (SOL) testing?
- 2) How are LEP students counted in school accreditation?

In response to these questions, the Division of Assessment and Reporting is providing the following information.

1)LEP Exemptions from SOL Testing

On May 24, 2006, the Virginia Board of Education adopted revised *Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA)*. The revised SOA, which became effective September 7, 2006, states that LEP students may be granted a one-time exemption from SOL testing in the areas of writing, science, and history/social science.

Based on regulations received from the United States Department of Education (USDOE) in September 2006, a one-time exemption in reading is also available for recently arrived LEP students in grades 3 through 8. A LEP student in Virginia is considered to be "recently arrived" if he or she has attended schools in the United States for less than 12 months. This guideline also applies to students arriving from Puerto Rico.

Beginning with the fall 2006 SOL Test Administration, these one-time exemptions are available for eligible LEP students.

- LEP students in grades 3-8 may be exempted once from writing, science, and history/social science
- LEP students in grades 3-8 students may be exempted one time from reading if they have attended schools in the United States for less than 12 months.

As a result of the USDOE and Board of Education policies, it is assumed that the scores of exempted LEP students will be removed from Adequate Yearly Progress (AYP) and accreditation calculations and will not impact the status of either the school or school division. Please note that the official rules for calculating AYP and accreditation will be communicated to divisions by the Office of Educational Information Management at a later date.

## 2) LEP Students - Accreditation Adjustment

Failing scores for LEP students enrolled in Virginia public schools fewer than 11 semesters are removed from the school accreditation calculations. However, passing scores for LEP students enrolled for fewer than 11 semesters are included in the accreditation calculations. Completion of a semester must be based on school membership days. Membership days are defined as the days the student is officially enrolled in a Virginia public school, regardless of days absent or present. For a semester to count as a completed semester, a student must have been in membership for a majority of the membership days of the semester. These semesters need not be consecutive.

### Supporting Documentation:

The revised Standards of Accreditation may be found on the Department's website at:  
<http://www.doe.virginia.gov/VDOE/Accountability/soa.html>.

INFORMATIONAL SUPTS. MEMO NO. 248 dated December 1, 2006 may be found on the Department's website at:  
<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/inf248.htm>  
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Federal regulations addressing school accountability for the academic achievement of LEP students may be found on the following website (you may have to cut and paste into your internet browser):

<http://www.ed.gov/legislation/FedRegister/finrule/2006-3/091306a.html>

If you have questions or need additional information, please contact the Division of Assessment and Reporting by e-mail at [darfax@doe.virginia.gov](mailto:darfax@doe.virginia.gov) or by telephone at (804) 225-2107.

SLR/cd